

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2007

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 9, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Margaret K. Peterson
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Russell Willardson, Public Works Director
Richard Catten, City Attorney
Joseph Moore, CED Director
Mike Wells, Acting Chief of Police
Aaron Crim, Administration
Jake Arslanian, Public Works Department

13463

OPENING CEREMONY

The Opening Ceremony was conducted by Carolynn Burt who advised of her recent attendance at the USA Swimming Convention. She discussed the foundation that started the “make a splash” campaign to teach young people how to swim and inform them of water safety. She also discussed the importance of this program and encouraged the City to consider participation in the program as a public service to the community.

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13464 **SCOUTS**

Mayor Nordfelt welcomed Scout Troop Nos. 628, 599 and 231 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

13465 **APPROVAL OF MINUTES OF REGULAR MEETING HELD
SEPTEMBER 25, 2007**

The Council read and considered the Minutes of the Regular Meeting held September 25, 2007. There were no changes, corrections or deletions.

After discussion, Councilmember Peterson moved to approve the Minutes of the Regular Meeting held September 25, 2007, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13466 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Charles Sipes, 4171 Bluejay Street, addressed the City Council. Mr. Sipes discussed an issue on the agenda for the following week's Council meeting regarding an agreement to purchase property on Hawarden Drive from a private entity. Mr. Sipes indicated he did not see the benefit to the City. He submitted information regarding the last sale of that property in August and stated this was a property purchased by a private group that should have made an offer contingent on condition of approval of the proposed use. Mr. Sipes stated he believed there were better uses of tax dollars.

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Paula Stewart, 4533 West 3285 South addressed the City Council. Ms. Stewart stated she lived adjacent to City Park and had become aware of a proposal to use part of the park space for an Animal Shelter. She indicated several of her neighbors were also in attendance to express concerns. She advised the park was heavily used and the parking needed to be expanded. She stated neighbors wanted to save the park and the green space so they could continue to enjoy it. Ms. Stewart stated there were also improvements needed such as swing sets and tennis courts that had been promised years ago.

Mayor Nordfelt advised the Council would continue to look at that proposal and others. He also advised there would be a public hearing regarding this matter with required public notices so public input could be considered.

Tom Redd, 4573 West 3285 South, addressed the City Council. Mr. Redd stated he also saw heavy use of City Park in all seasons. He further stated it hurt to see that park become less than it was previously especially since the playground equipment was removed and not replaced. Mr. Redd spoke in favor of maintaining the park “as is.”

Barry Farr, 4059 South Stillwater Way, addressed the City Council. Mr. Farr stated he had previously discussed with Councilmember Coleman his opinion and concern regarding the number of dogs a person was allowed. He stated it was a travesty to be limited to what one could do in a free country. He stated he had three dogs and found out later that he could legally only have two dogs on a certain size of property. He stated there were no problems with his dogs and one of them had passed away and he desired to replace that animal. He stated he had been unable to do that due to the City’s ordinance requirements. Mr. Farr stated he did not believe the City should restrict the number of dogs if they were not a nuisance and he desired consideration of a more lenient ordinance.

Councilmember Winder advised that Councilmember Coleman had brought the issue raised by Mr. Farr to the Council at the previous Study Meeting. He stated, at that time, a suggestion had been made to study the matter to determine if West Valley City’s ordinance was in line with those of other cities in the area. City Manager, Wayne Pyle, stated he would review the matter, as requested.

Mayor Nordfelt stated he understood the love for animals and that Mr. Farr did, in fact, take care of his dogs. He further stated this had actually been the first time anyone ever asked for the ordinance to be more flexible, where, to the contrary, hundreds of residents had asked that the ordinance be more restrictive. Mayor Nordfelt indicated that, from his perspective, two dogs would be enough. He also

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advised Councilmember Coleman had brought the concerns to the Council for consideration. Councilmember Brooks inquired if West Valley City's ordinance was, in fact, different from Salt Lake County's ordinance. City Manager, Wayne Pyle, reiterated he would review the ordinances of other cities and the County; and provide that information to the Council.

Councilmember Coleman stated perhaps consideration should be given to allowing three dogs if the owner had no cats, in view of the fact that an owner could, in fact, have two dogs and two cats. He indicated there had not been a consensus from the City Council the previous week but it seemed appropriate for the Council to review the ordinances used by other cities. Councilmember Coleman agreed the City received many more calls regarding being more restrictive as opposed to being less restrictive regarding the numbers of animals allowed.

Councilmember Peterson stated the subject ordinance had been reviewed many times over the years but had not changed much due to the many issues involved.

13467

PUBLIC HEARING, APPLICATION NO. Z-12-2007, FILED BY ARBOR RESIDENTIAL PROPERTIES, REQUESTING TO AMEND THE ZONING MAP FROM ZONE 'A' (AGRICULTURE) TO ZONE 'RM' (RESIDENTIAL MULTI-FAMILY) FOR PROPERTY LOCATED AT APPROXIMATELY 5728, 5754 AND 5790 WEST PARKWAY BOULEVARD

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. Z-12-2007, filed by Arbor Residential Properties, requesting to amend the Zoning Map from zone 'A' (Agriculture) to zone 'RM' (Residential Multi-Family) for property located at approximately 5728, 5754 and 5790 West Parkway Boulevard. Mr. Pyle discussed proposed Ordinance No. 07-60 and proposed Resolution No. 07-217 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-60 which would amend the Zoning Map to show a change of zone for property located at approximately 5728, 5764 and 5790 West Parkway Boulevard from zone 'A' (Agriculture) to 'RM' (Residential Multi-Family).

Mr. Pyle stated surrounding zones included 'A-1' to the west and 'RM' to the north, south, and east. He further stated surrounding land uses included vacant land to the north, west and east, and the Balmoral townhomes (about 9.5 units per

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acre density) to the south. He indicated the Mountain View Corridor had been planned directly west of the subject property with a partial or half interchange on the south side of Parkway Boulevard. He reported that the previous year the City approved zoning for a mixed use development on property to the north and east which included 8.4 acres of commercial along 5600 West and a mix of 156 stacked flat condominiums (15.3 units per acre), 84 townhomes (11.2 units per acre), and 35 single-family homes (5.2 units per acre). He further indicated the density of the residential component of the proposed mixed use development to the north and east, including the planned park space, would be 10.5 units per acre.

The City Manager explained if the rezone application was approved the applicant planned to demolish the existing homes on the property. He stated written information distributed to the Council included a concept plan for the subject property with 60 condominiums, yielding a density of 15 units per acre. He stated additional written information included two renderings – one of an individual condominium building, and one of the entire project. He stated the condominiums proposed were three-level stacked flats (similar to what had been proposed on the property to the east) with 12 units per building. He reported each unit would have a parking space within a garage and one uncovered space. He indicated Arbor Residential provided a written proposal entitled “Proposal for Parkway Condominiums” including development commitments which had also been distributed to the Council.

City Manager, Wayne Pyle, presented proposed Resolution No. 07-217 which would authorize the City to enter into a Development Agreement with Arbor Residential Properties for approximately 4.0 acres of property located at approximately 5724 West Parkway Boulevard.

Mr. Pyle stated the proposed agreement would establish minimum standards for a new condominium development at the above location. He also stated Chris Drent, Arbor Residential Properties, had submitted a re-zone application to change four acres of property from ‘A’ (Agriculture, minimum lot size ½ acre) to ‘RM’ (Residential Multi-Family). He stated it had been recommended by the Planning Commission and staff that a development agreement be considered and approved in conjunction with the re-zone to ensure the applicant’s commitments would be kept and the City’s concerns would be addressed. He reported the agreement included: requirements for the installation, inspection, and maintenance of on-site improvements; the units to be for-sale product; an entrance feature; fencing; TDR; architecture; garage parking; a bicycle lane; and open space.

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City Manager, Wayne Pyle, stated it had recently come to staff's attention that the applicant/developer had withdrawn from the project. He further stated that contrary to the recommendation previously made to the Council, the updated and formal recommendation would be that both action items be denied at the present time. He recommended the Council hold the public hearing and if no comments or input from the public was received, then the Council could consider staff's recommendation of denial.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: CONSIDER ORDINANCE NO. 07-60, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 5728, 5764 AND 5790 WEST PARKWAY BOULEVARD FROM ZONE 'A' (AGRICULTURE) TO 'RM' (RESIDENTIAL MULTI-FAMILY)

The City Council previously held a public hearing regarding Application No. Z-12-2007, filed by Arbor Residential Properties, and proposed Ordinance No. 07-60 which would amend the Zoning Map to show a change of zone for property located at approximately 5728, 5764 and 5790 West Parkway Boulevard from zone 'A' (Agriculture) to 'RM' (Residential Multi-Family).

After discussion, Councilmember Vincent moved to deny Application No. Z-12-2007 and proposed Ordinance No. 07-60. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

Application No. Z-12-2007 and proposed Ordinance No. 07-60 denied.

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ACTION: CONSIDER RESOLUTION NO. 07-217, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ARBOR RESIDENTIAL PROPERTIES FOR APPROXIMATELY 4.0 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 5724 WEST PARKWAY BOULEVARD

After discussion, Councilmember Coleman moved to deny proposed Resolution No. 07-217. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

Proposed Resolution No. 07-217 denied.

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RESOLUTION NO. 07-218, ACCEPT A WARRANTY DEED FROM RANDY LEE SUDBURY FOR PROPERTY LOCATED AT 2540 SOUTH CHATHAM STREET

City Manager, Wayne Pyle, discussed proposed Resolution No. 07-218 which would accept a Warranty Deed from Randy Lee Sudbury for property located at 2540 South Chatham Street.

Mr. Pyle stated Randy Lee Sudbury had signed the Warranty Deed.

The City Manager reported as a condition of obtaining a building permit for a single-family residence, dedication of a previously vacated portion of Chatham Street has been required.

After discussion, Councilmember Burt moved to approve Resolution No. 07-218, a Resolution Authorizing the City to Accept a Warranty Deed from Randy Lee Sudbury for Property Located at 2540 South Chatham Street. Councilmember Peterson seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 9, 2007, WAS ADJOURNED AT 6:53 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held October 9, 2007.

Sheri McKendrick, MMC
City Recorder